

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANTONIO GALLEGOS and
KRISTIAN PETTINE,**

Plaintiffs,

v.

No. 12-CV-224 JAP/KBM

CITY OF ESPANOLA, a municipal corporation;
JOE MARTINEZ, individually and in his official capacity; **JEREMY APODACA**, individually and in his official capacity; **ROBERT VIGIL**, individually and in his official capacity; **CITY OF ESPANOLA OFFICERS** and **SUPERVISORS JOHN DOES 1 through 10**, individually and in their official capacities,

Defendants.

ORDER

On April 6, 2015, Defendants filed a STIPULATION OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS AGAINST DEFENDANTS JOE MARTINEZ, JEREMY APODACA AND ROBERT VIGIL (Stipulation) (Doc. No. 231). While the Stipulation dismisses Plaintiff Pettine's claims against the individually-named Defendants, it did not mention Plaintiff Pettine's claims against the City of Española and Defendants City of Española Officers and Supervisors John Does 1through 10. *See* MEMORANDUM OPINION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' THIRD MOTION FOR SUMMARY JUDGMENT (Doc. No. 240) at 2 n.3.

On June 25, 2015, Defendants filed a MOTION TO DISMISS WITH PREJUDICE PLAINTIFF KRISTIAN PETTINE'S CLAIMS AGAINST DEFENDANTS CITY OF ESPANOLA AND CITY OF ESPANOLA OFFICERS AND SUPERVISORS JOHN DOES 1 THROUGH 10 (Motion to Dismiss) (Doc. No. 242). The Defendants attached a settlement

agreement between Defendant City of Española and Plaintiff Pettine. The settlement agreement attached to the Motion to Dismiss contains Plaintiff Pettine's signature and states that Plaintiff Pettine "agree[d] to unconditionally release and discharge Defendant and its employees, officials, agents, insures, successors and assigns from any and all claims...resulting from...the above captioned lawsuit." Motion to Dismiss at 3–4.

The Court finds that the settlement agreement attached to Defendants' Motion to Dismiss dispels any uncertainty as to which claims Plaintiff Pettine agreed to dismiss. Accordingly, IT IS ORDERED THAT Defendants' Motion to Dismiss is GRANTED. All of Plaintiff Kristiane Pettine's claims are dismissed in their entirety.

A handwritten signature in black ink, appearing to read "James A. Parker". The signature is fluid and cursive, with a large, stylized "P" on the right side.

SENIOR UNITED STATES DISTRICT JUDGE